

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference KTC-P501205WO		FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/GB2004/001289	International filing date (day/month/year) 24.03.2004	Priority date (day/month/year) 29.03.2003	
International Patent Classification (IPC) or national classification and IPC A01N53/00, A01N25/34, A01N25/00, A01M1/02, A01M1/20, A01M1/16, A01M1/10, A01M5/06			
Applicant AGRISENSE-BCS LIMITED et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 04.11.2004		Date of completion of this report 15.02.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Marie, G Telephone No. +49 89 2399-2571 	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/001289

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-29 as originally filed

Claims, Numbers

1-28 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-28
	No: Claims	-
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-28
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	-

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item I

Basis of the opinion

The documents to which this communication refers are numbered in their order of appearance in the international search report.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Novelty (Article 33(2) PCT)

D1 discloses a device suitable for fighting noxious insects which comprises a substrate of fibres and/or fibrils containing a pheromone in adsorbed or dispersed form, said fibrous substrate being partially coated with a layer impermeable to the pheromone, such as a polyester film (*col.3,1.31*), and carrying, adhering to its external surface, an insecticide or a substrate impregnated with an insecticide (*claim 1*).

D2 discloses an artificial trail material which is suitable for application around an area to be protected against insects, said material carrying a continuous band of attractant along its length, and preferably a toxicant, which is disposed to be taken up as the insect follows the trail (*claims 1 and 2*).

D3 discloses insecticidal tapes or sheets obtained by coating of a mixture of an insecticide with an adhesive agent thereto (*abstract*).

None of these documents disclose a system suitable for controlling insects, which system includes a substrate in the form of an elongate tape having thereon a plurality of target zones spaced apart at predetermined intervals along a first surface of the substrate, each target zone including an insect attractant and/or an insect control agent.

2. Inventive step (Article 33(3) PCT)

Although the present application as claimed seems to be novel, it is not considered to involve an inventive step for the following reasons:

The difference between the present subject-matter and the systems of the prior art lies in the plurality of target zones spaced apart along a first surface of the substrate.

The problem to be solved by the present application can therefore be considered as to provide an improved system suitable for controlling insects which is not difficult and/or slow to apply and which has a "long" field life.

Although the documents do not disclose the possibility of having a certain number of target zones comprising the insect attractant and/or the control agent on the substrate, the man skilled in the art would consider the present system as an obvious alternative to the systems described in the prior art insofar as the number of attractive and/or toxic devices (**D1**) or trails (**D2**) or tapes or sheets (**D3**) to be used can be chosen by the end user in function of the crop or the nature/level of infestation of pest insects, said systems not being labour intensive.

Moreover, the present invention seems to have several drawbacks in comparison thereto: a) depending on the crop and on the nature/level of infestation of pest insects, the end user needs to buy several tapes reels/rolls since the length of intervals between the target zones is fixed; b) a certain length of substrate is simply used for bridging the target zones of the tape, which seems to be more expensive and less environment friendly than using a chosen and well-defined number of devices, trails, tapes or sheets as disclosed in **D1-D3**.

Dependent claims do not appear to contain any additional features which meet the requirements of the EPC with respect to inventive step because they are considered to be of normal design for the man skilled in the art trying to solve the problem posed and represent a simple juxtaposition of known measures, for example with regard to the controlled release of the chemical agent.

3. Industrial applicability (Article 33(4) PCT)

The whole application as claimed fulfills the requirements of said article.

Re Item VIII

Certain observations on the international application

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/GB2004/001289

1. The subject-matter of claim 2 is unclear within the meaning of Article 6 PCT insofar as the expression "*or the like*" leads to doubt concerning the matter for which protection is sought.
2. The nomenclature of bicyclo-chemical attractants from claim 12 and page 7 of the description should be revised.
3. The backreferences of claims 12, 15 and 20 seem to be erroneous.